

01 ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

3. Respondent neither admits nor denies the violations set forth in the Complaint.

4. Respondent certifies by signing this Consent Agreement and Final Order that it is presently in compliance with TSCA, 15 U.S.C § 2601 et seq., and all regulations promulgated thereunder.

5. Nothing in this Consent Agreement shall be construed as a release from, or to insulate Respondent from, any other action under any law and/or regulations administered by the U.S. Environmental Protection Agency.

6. No portion of any civil penalty, interest or penalties paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as deductions for federal, state, or local income tax purposes.

7. Each party shall bear its own costs and attorneys' fees in this action resolved by this Consent Agreement.

8. Each signatory of this Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

9. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty as specified in paragraph 2 of this Consent Order.

FINAL ORDER

Pursuant to the provisions of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 et seq., and based upon the information set forth in the Consent Agreement accompanying this Final Order, IT IS HEREBY ORDERED THAT:

1. Respondent shall remain in compliance with TSCA and all regulations promulgated thereunder.

2. Respondent, in settlement of the allegations set forth in this Complaint, shall pay by cashier's or certified checks, a mitigated civil penalty, for the violation cited herein, in the amount of Twelve Thousand Dollars (\$12,000.00), payable to the "Treasurer, United States of America", and the check shall be mailed to: U.S. EPA-Region VII (Regional Hearing Clerk), C/O Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251. The payment shall be identified as In the matter of Raul Walters Properties, Inc. A copy of the check shall be forwarded to Rupert G. Thomas, Office of Regional Counsel, Region VII, U.S. EPA, 901 North 5th Street, Kansas City, Kansas 66101. The payment shall be made within thirty days of the effective date of the Final Order. The effective date of this Order shall be the date on which it is signed by the Regional Judicial Officer. Additionally, Respondent will, within 12 month of the effective date of this Order, remove and dispose of the Westinghouse Transformer, Serial Number TAV 4282-01, located at its property located at 2001 West Worley, Columbia, Missouri 65203. Respondent will replace the aforementioned Transformer with a non-PCB Transformer. Respondent will provide documentary evidence/certificate of destruction to the EPA attesting to the proper disposal of the transformer. Respondent will also provide to the EPA documentation

verifying the removal, disposal and replacement of the PCB Transformer with a non-PCB Transformer. If Respondent fail to timely comply with the terms and conditions of this Order, Respondent agreed to pay ^{SHOULD BE} ~~an additional civil penalty~~ ^{penalty} of \$23,530.00 within thirty days after the 12 months deadline for fulfilling the obligations of this Order. R2/11/22/02

3. If payment of a civil penalty is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of the Treasury, pursuant to 31 U.S.C. § 3717. The interest will be assessed from the due date through the date of payment.

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

By: R. G. Thomas
Rupert G. Thomas
Attorney
Office of Regional Counsel

Date: November 14, 2002

RESPONDENT:
RAUL WALTERS PROPERTIES INC.

By: Donald C. Crome
Title: Senior Executive Vice President

Date: 11/6/02

IT IS SO ORDERED. This Order become effective immediately.

Robert L. Patrick
Robert L. Patrick
Regional Judicial Officer
Region VII

Date: November 24, 2002

IN THE MATTER OF Raul Walters Properties, Inc., Respondent
Docket No. TSCA-07-2002-0004

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Rupert G. Thomas
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:


David W. Walker
Ford, Parshall & Baker, LLC
P.O. Box 1097
609 East Walnut Street
Columbia, Missouri 65205-1097

Copy by First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

The Honorable Thomas W. Hoya
Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

Dated: 11/26/02


Kathy Robinson
Regional Hearing Clerk